

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1869

Willie J. Brown,

Appellant,

v.

Mid-America Packaging/Gaylord
Container,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: October 4, 2002
Filed: October 25, 2002

Before WOLLMAN, MORRIS SHEPPARD ARNOLD, and MELLOY, Circuit
Judges.

PER CURIAM.

Willie J. Brown appeals the district court's¹ entry of judgment on a jury verdict in his action against his former employer Mid-America Packaging/Gaylord Container (Gaylord) under the Family and Medical Leave Act. We decline to review the arguments Brown raises on appeal, because they are based on theories he did not pursue at trial. See Baas v. Hoye, 766 F.2d 1190, 1194 (8th Cir. 1985) (where

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

plaintiff submits no jury instructions on issues allegedly raised by pleadings and fails to except to failure of district court to so charge, these issues cannot be considered on appeal; this court must determine what theories of recovery were actually submitted to jury).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.